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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,599	02/04/2002	Claudio A. Cerutti	RAP04 P-617A	5900

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EXAMINER

RODRIGUEZ, JOSEPH C

ART UNIT	PAPER NUMBER
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3653

DATE MAILED: 01/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/067,599

Applicant(s)

CERUTTI ET AL.

Examiner

Joseph C Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-89 is/are pending in the application.
- 4a) Of the above claim(s) 26-89 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,5-21 and 23-25 is/are rejected.
- 7) ☒ Claim(s) 2,4 and 22 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Applicant's election with traverse of claims 1-25 in Paper No. 6 is acknowledged. The traversal is on the ground(s) that claims 33-40 are not distinct as the articles are loaded in the same manner as the elected group. This is not found persuasive as claim 33 expressly claims a loading sequence as a function of "their respective destinations" while claim 1, in contrast, claims "without respect to a destination".

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

The information disclosure statement filed 5/28/02 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein has not been considered.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 5, 6, 11, 13, 16-18, 20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by Soldavini (US '703 B1).

Regarding claims 1 and 16, Soldavini teaches a method (Fig. 1-6) comprising providing at least two inducts (9u, 9d) for loading articles (A, B) onto transport units (1, 2); feeding articles to said inducts without respect to a destination (col. 5, ln. 1-12); determining a destination (Id., station 8) and loading articles from inducts to the transport units (Fig. 3a-6). Here, it is implicit that possible blocking conditions between separate articles have been resolved. That is, Soldavini teaches calculating a proper loading placement based on a article destination and transport unit position (col. 5, ln. 19 et seq.), thus it is implicit that the possible interference of multiple articles being loaded onto the same transport, or loaded in improper position, have been resolved.

Regarding claims 3, 6, 17, 18, an induction priority can be regarded as the loading precedence of the articles. Soldavini thus teaches determining an induction priority by determining a priority (i.e., loading precedence of articles A and B) based on a destination and then teaches delaying an article (e.g., by shifting to another induct) to resolve the possible blocking condition (Id.).

Regarding claims 5, 11, 20 and 23, Soldavini teaches loading articles onto both sides of a transport unit (Fig. 3f) and providing at least two discharge ports (Fig. 4f, near C3 and C5), wherein said articles can be discharged onto either port to resolve blocking conditions (Id.).

Regarding claims 13, the respective destination can be regarded as an upstream destination thus Soldavini teaches resolving blocking conditions as a function of the upstream destination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7-10, 12, 19 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soldavini in view of Lund (US '672).

Soldavini as set forth above teaches all that is claimed except for expressly teaching providing at least one recirculation system and reinduction station and using said station and system (e.g., availability of) to resolve blocking conditions. These features, however, are well-known in the conveying arts. For instance, Lund teaches a sorting conveyor system (Fig. 1, 2) including induction stations (16a-c), a recirculation system (10) and reinduction stations (24, 26, 28). Further, Lund teaches a control system including sensors and monitoring devices for determining the proper article sequencing and flow between the main path and subsystems (Fig. 2, near 10, 94, 16, 90), thus it is implicit that the recirculation system and reinduction stations are used to resolve and prevent possible blocking conditions with respective articles. Moreover, the recirculation system and reinduction stations are well known features that reduce the

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need for storage space and allow the user to prepare a more effective article delivery sequence by allowing an article to circulate (col. 1, ln. 35-col. 2, ln. 65). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Soldavini as taught above.

Claims 14-15 and 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Soldavini in view of Okada (US '084).

Soldavini as set forth above teaches all that is claimed except for expressly teaching transport units with side by side carrier belt article supports that are independently operable. Okada, however, teaches such a transport unit (Fig. 4-7, near 13a-13d; col. 3, ln. 19-24). Moreover, Okada teaches that these transport units provides the common-sense benefit of greater flexibility for, inter alia, handling of articles of different sizes (col. 2, ln. 24 et seq.). Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of Soldavini as taught above.

Allowable Subject Matter

Claims 2, 4 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Any references not explicitly discussed above but made of record are considered relevant to the prosecution of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph C Rodriguez whose telephone number is **703-308-8342**. The examiner can normally be reached on M-F during normal business hours (9 am – 6 pm, EST).

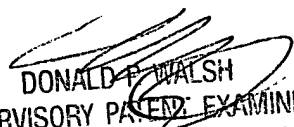
The **Official** fax phone number for the organization where this application or proceeding is assigned is **703-872-9326** (After-Final **703-972-9327**).

The **UnOfficial** fax phone number for the organization where this application or proceeding is assigned is **703-306-2571** or **703-308-6552**.

The examiner's **UNOFFICIAL Personal fax number** is **703-746-3678**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **703-308-1113**.

January 8, 2004


DONALD P. WALSH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600